

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CITY OF SOUTH BEND,)	
Plaintiff,)	
vs)	
)	
SOUTH BEND COMMON COUNCIL, TIM)	
CORBETT, DAVE WELLS, STEVE)	
RICHMOND, BRIAN YOUNG, and SANDY)	Case No.
YOUNG,)	3:12-CV-475
Defendants.)	
-----)	
BRIAN YOUNG, SANDY YOUNG,)	
TIMOTHY CORBETT, DAVID WELLS,)	
and STEVE RICHMOND,)	
Plaintiffs,)	
vs)	
)	
THE CITY OF SOUTH BEND Acting)	
through its Police Department,)	
DARRYL BOYKINS, Individually and)	
in his Official Capacity as)	
Chief of Police, KAREN DePAEPE,)	
and SCOTT DUERRING,)	
Defendants.)	
-----)	

The Videotaped Deposition of RICHARD BISHOP

Date: Wednesday, June 19, 2013

Time: 1:35 p.m.

Place: Pfeifer, Morgan & Stesiak
53600 North Ironwood Drive
South Bend, Indiana 46635

Called as a witness by the Plaintiff/Defendant
in accordance with the Federal Rules of Civil
Procedure for the United States District
Court, Northern District of Indiana, South Bend
Division, pursuant to Notice.

Reported by

Angela J. Galipeau, RPR, CSR

Notary Public, State of Indiana

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1 into. So it would be like the front desk, the main phones
2 there, and the communications center, whether it was 911
3 or what other phone lines they might have called in on to
4 their --

5 Q. Did you ever request a recording of a call between --
6 internal call between, say, a division chief and a
7 captain?

8 A. Only my own, which I don't know if I ever made one, but I
9 requested my phone to be taped or to be recorded because
10 it was not when I took the position.

11 Q. Okay.

12 A. And I didn't know that until I was looking to find out.

13 Q. Great. We'll get to that in a second. So other than
14 requesting your own, did you request the recordings of two
15 other officers internal, not somebody calling in on the
16 front desk or calling in on 911, but say between some
17 other division chief and someone else?

18 A. No.

19 Q. When you were captain, do you know which lines were
20 recorded?

21 A. No.

22 Q. Which phones in the South Bend Police Department were tied
23 into the system?

24 A. No. My understanding was there was a certain amount that
25 could be, and then I would make a request to Karen DePaepe

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1 captain and above was -- is an administrative position.

2 Those are appointed positions.

3 Q. Do you ever remember discussing the recording of telephone
4 lines for the division chiefs at a command staff meeting?

5 A. No, sir.

6 Q. Never remember that at a command staff meeting?

7 A. I do not remember that.

8 Q. Okay. Do you ever remember discussing with Chief Fautz in
9 any context recording of division chief lines?

10 A. Only my own line is the only one I ever talked about.

11 Q. Did the recording system ever come up to your recollection
12 at a command staff meeting with Chief Fautz?

13 A. I don't recall that meeting, sir, if there was one.

14 Q. All right. I want to talk about the conversation that you
15 had with Chief Fautz regarding your line.

16 A. Okay.

17 Q. When do you recall -- I'm trying to locate it in time
18 first. When do you recall that that first came up?

19 A. It would have been when I was the administrative captain,
20 risk management. We had a mental case who was calling our
21 police officers and threatening bodily harm. And he was a
22 bone fide nut. And he was a very large guy, well built,
23 used to play football, according to him college football.
24 And he was a problem person. And he would call and he
25 would leave these rambling messages at night. And if it

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1 was recorded on my recorded -- my phone line, you know, as
2 a message when I wasn't there, which was most of his calls
3 came in then. I mean, literally he would leave me ten
4 messages that would be 40 minutes long. And I could
5 record those.

6 But what I couldn't record is when I answered the
7 phone and I'm talking to him and he's rambling on about
8 wanting to hurt this person or do this to this person,
9 then I realized, you know, we used to have like there was
10 a tape-recorder with a suction cup. So if you wanted to
11 record a phone conversation, that's how you had to do it
12 because I didn't know our phone lines were recorded, if
13 they were.

14 So you had this cassette recorder with a suction cup
15 on it you tried to put on there. I'm sure you've tried to
16 use them in your office and that. And then after that,
17 there was one where you could unplug the phone headset.
18 And none of those worked right. So I talked to Chief
19 Fautz about it because John Collins had mentioned that his
20 phone line was recorded.

21 Q. And who is John Collins?

22 A. John Collins was the internal affairs investigator. So at
23 that time I requested my line to also be recorded so that
24 if I'm talking to people, I can recover my recordings so
25 that there's no doubt what our conversation was about

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1 because most of my conversations with the public were
2 complaints about police officers.

3 Q. And what did Chief Fautz say? How did he respond when you
4 asked him?

5 A. That he would take care of it.

6 Q. And are you aware of how that was done technically?

7 A. Technically, no.

8 Q. All right. How about just administratively?

9 A. Administratively -- okay.

10 Q. What steps are you aware of that occurred that allowed
11 your line to be recorded?

12 A. I requested -- I can just tell you how mine was because,
13 again, I don't recall any policy on how it should be done.
14 So it was I went to my chief, I requested my phone line be
15 recorded. He contacted Karen DePaepe, who took care of
16 it. How, I don't know. I just know it was done. It was
17 my assumption that there was a certain amount of phone
18 lines we could do, like let's say 20. It had a numeric
19 order on it. And I don't know if that's true or not.
20 That was -- and I don't even know why I had that
21 assumption, but that was my assumption; but I knew the
22 capabilities were there.

23 Q. Okay. So I forgot the name of the gentleman you just
24 mentioned who was internal affairs.

25 A. John Collins.